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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,290	08/27/2003	Bryan Chambers	CULZ 2 00006	5486

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EXAMINER

ADDIE, RAYMOND W

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,290

Applicant(s)

CHAMBERS, BRYAN

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings do not adequately illustrate the necessary structural features. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cockman # 4,923,165.

Cockman discloses a ground anchor assembly (A) for a guide post (18); comprising:

A 1st and 2nd part, the 1st part (D) having a head portion (16, 50) adapted to be pounded into the ground; as well as a tail portion (10) being insert able into the ground.

A pair of folded over tab members (24) defining a slot (30), upon the top surface of said head portion (16).

The 2nd part (26, 28), having an "L" shape and comprising a 1st wall section (26b, 28b) to which a road post (18) can be attached; and a 2nd wall section which comprises a tongue member, capable of being inserted into and retained within said slot (30). See Figs. 1, 2; col. 2.

Wherein said 1st part (D) further comprises a tail portion (14) having a substantially V-shaped configuration and comprises a 1st side wall and a 2nd side wall. See Fig. 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cockman # 4,923,165.

Cockman discloses essentially all that is claimed, with respect to claim 2 above, to include a head portion (D), having a plurality of plates (22, 50) that can be at least semi-circular; but does not explicitly recite the length of the tail portion. However, Cockman clearly disclose the plate (22) can be welded to the shaft (10) approximately 2-3" below element (16). Cockman further illustrates elements (16, 22) and the tail portion (14) in Fig. 2.

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Further from the illustration, it appears as though the tail portion (14) could be in the range of 4-20" long, the length being dependent upon the intended use of the ground anchor and the type of soil being anchored into. Therefore, it would have been obvious, if not inherent that Cockman clearly contemplates the use of a ground anchor having a tail portion, insert able into the ground in a range of 4-20"; in order to secure a guide post in the ground. See Fig. 2; Col. 3.

4. Claims 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockman # 4,923,165 in view of Beard # 4,645,168.

Cockman discloses essentially all that is claimed, with respect to claims 5, 7 above, to include the use of an L-shaped connection member used to connect a guide post to an ground anchor, but does not disclose making the connection member integral with the guide post nor providing the connection member with a curved front edge.

However, Beard teaches reinforced support structures for upright highway markers are advantageously provided with a connection member (18, 58, 100, 202), that can be made integral with the guide post (202) and provided with a curved front edge, to facilitate connecting the guide post (202) to a base plate (200). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the ground anchor assembly of Cockman, with an integrally formed connection member, having a curved front edge, as taught by Beard, in order to facilitate connecting the guide post to the base.

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5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cockman # 4,923,165 in view of Beard # 4,645,168 as applied to claim 8 above, and further in view of Lloyd et al. # 5,129,613.

Cockman in view of Beard discloses essentially all that is claimed, except for the use of "locking fingers" to engage the 1st and 2nd parts together. However, Lloyd et al., teaches it is known to attach a receiving base (10) having a plurality of locking fingers (22), and a pair of folded over sections (16) to a solid contact material (26), insertable within a slot formed by the folded over sections (16), the locking fingers and folded over sections permitting insertion, removal and replacement of the contact material (26). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the anchor assembly of Cockman in view of Beard, with locking fingers, as taught by Lloyd et al., in order to facilitate reception of the 2nd part, within the 1st part, as reasonably suggested by Cockman. See Lloyd et al. Cols. 1-2.

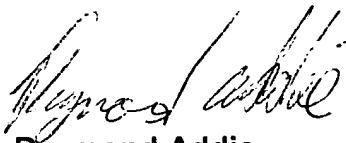
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Litwiller # 4,483,506 discloses a temporary signpost support. Mills # 4,860,940 discloses a post support. Boyd et al. # 5,535,555 discloses a breakaway post coupling. Aberle # 5,632,464 discloses a ground pocket support. Mills # 4,588,157 discloses a post support. Reiman # 5,230,187 discloses a support stake. Emert # 6,263,601 B1 discloses a ground anchor for a post or sign. McNamara # 5,123,623 discloses a post anchor. Welch # 1,438,074 discloses a pole anchor.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond Addie
Patent Examiner
Group 3600

9/13/05